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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,823	02/13/2007	Pia Daniel	P70915US0	6057
	7590 07/20/201 OLMAN PLLC	1	EXAM	IINER
	STREET N.W.		BASS, DIRK R	
SUITE 600 WASHINGTOI	N, DC 20004		ART UNIT	PAPER NUMBER
			1777	
			MAIL DATE	DELIVERY MODE
			07/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/557,823	DANIEL, PIA	
Office Action Summary	Examiner	Art Unit	
	DIRK BASS	1777	
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet with	the correspondence address	;
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING Description of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICA .136(a). In no event, however, may a repl d will apply and will expire SIX (6) MONTH te, cause the application to become ABAN	TION. y be timely filed S from the mailing date of this communi IDONED (35 U.S.C. § 133).	
Status			
Responsive to communication(s) filed on <u>June</u> This action is FINAL . 2b) ☐ Thi Since this application is in condition for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matter	•	its is
Disposition of Claims			
4) ☑ Claim(s) 1 and 4-20 is/are pending in the app 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) 1 and 4-20 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/a	awn from consideration.		
Application Papers			
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) accomposed as a pplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examin	cepted or b) objected to by e drawing(s) be held in abeyance ction is required if the drawing(s)	s. See 37 CFR 1.85(a). is objected to. See 37 CFR 1.1	, ,
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list	nts have been received. nts have been received in Apportity documents have been reau (PCT Rule 17.2(a)).	olication No ceived in this National Stage	Э
Attachment(s)			
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/l	nmary (PTO-413) Mail Date rmal Patent Application	

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DETAILED ACTION

Applicant's response filed June 8, 2011 is acknowledged. Claims 1 and 19 are amended. Claims 1 and 4-20 are pending and further considered on the merits.

Response to Amendment

In response to applicant's amendments, the examiner maintains the grounds of rejection set forth in the office action dated March 8, 2011.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, and 4-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellingboe et al., USPA 2002/0085952 (Ellingboe, IDS).
- 3. Regarding claims 1, 16, and 19-20, Ellingboe discloses a blood treatment unit (abstract, fig. 1) comprising:
 - a. A blood treatment device that is part of an extracorporeal blood circulatory
 system (REF 118);
 - Actuators in at least one of the extracorporeal blood circulatory system
 and another fluid circulatory system (REF 31-36);
 - c. A control unit for controlling the actuators (REF 10);
 - d. A display and input unit including a touch screen connected to the control unit (REF 50/54);

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e. Wherein the display and input unit include a plurality of mode means (REF 242) that show various time modes of a blood treatment on the touch screen, the mode means being selectable by an operator via the touch screen and arranged with respect to one another in order of their occurrence in time, and including at least one blood treatment preparation means, one blood treatment means, and one blood treatment after-preparation means,said mode means being permanantely visible in all views (fig. 30A, ¶ 0257); and

- f. The control unit being configured to identify the running time mode and to instruct the display and input unit to show the mode means selected from the other mode means using different symbols and establishes the end of one time mode and automatically initiates the beginning of the next and communicates this to the display and input unit, changing the representation of the selected mode means (¶ 0250, 0257-0258).
- 4. Regarding claims 4-6 and 17, Ellingboe discloses a device wherein the blood treatment means on the touch screen has a larger area than the blood treatment preparation means or blood treatment after-preparation means, said mode means is represented by a cell at one edge of the touch screen, and the remaining area represents further input and/or output means depending on the time mode (¶ 0250, 0257-0258).
- 5. Regarding claim 7, Ellingboe discloses a device wherein the blood treatment unit is a hemodialysis device (¶ 0023-0024).

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6. Regarding claims 8 and 18, Ellingboe discloses a device wherein the blood treatment preparation means includes mode means for a blood system mode and a preparation mode (¶ 0257).

- 7. Regarding claims 9 and 18, Ellingboe discloses a device wherein the blood after preparation means includes mode means for a reinfusion mode and a purification mode (¶ 0257).
- 8. Regarding claim 10, Ellingboe discloses a device wherein the control unit instructs the display and input unit to represent individual mode means in a different type of symbol according to the time mode and to deactivate an input function associated therewith (¶ 0258).
- 9. Regarding claim 11, Ellingboe discloses a device wherein the display and input unit displays the mode means in all of the time modes at a same point of the touch screen (REF 242, fig. 30A, ¶ 0257).
- 10. Regarding claims 12-14, Ellingboe discloses a device further comprising blood detectors and air detectors, and the control unit evaluates the values of the sensors to determine the end of a time mode and the presence of correctly mounted components (¶ 0083, 0367, fig. 33).
- 11. Regarding claim 15, Ellingboe discloses that the control unit determines the quantity of fluid conveyed by a controlled pump to determine the end of a time mode (¶ 0434).

Response to Arguments

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12. Applicant argues that the prior art does not disclose a plurality of mode means including at least one blood treatment preparation means, one blood treatment means, and one blood treatment after-preparation means. Taking applicant's definition of mode means, i.e. functional elements on the display unit which are selectable to influence operation of a hemodialysis treatment, the examiner maintains that Ellingboe discloses the above described features. Ellingboe discloses a hemodialysis apparatus with a display unit comprising a plurality of mode means, said mode means comprising "User Setup", "Load", "Auto-Prime", "Main", and "Unload". The examiner interprets "User Setup" to anticipate at least one blood treatment preparation means, "Main" which includes bypass and post-bypass operations to anticipate one blood treatment means, and "Unload" to anticipate one blood treatment after-preparation means.

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13. Applicant argues that the prior art does not disclose the "automatic initiating" feature described in the claims. In response, the examiner directs applicant's attention to the language of claim 1 in which a control unit is stated to be configured to "establish an end of at least one of the time modes". The remaining elements following this limitation are deemed to be statements with regard to the intended use and are not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a *structural difference* between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Furthermore, Ellingboe discloses that the plurality of mode means follows a sequential order, and that once one mode means is completed, the next is automatically loaded for the user to visualize on the display unit. Therefore,

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the examiner maintains that the prior art discloses a control unit configured to "establish an end of at least one of the time modes" in addition to automatically initiating of a subsequent time mode".

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIRK BASS whose telephone number is (571)270-7370. The examiner can normally be reached on Mon - Fri (9am-4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on (571) 272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KRISHNAN S MENON/ Primary Examiner, Art Unit 1777

/DRB/ Dirk R. Bass